

## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

RICHARD POWELL,

Plaintiff,

v.

WASHOE COUNTY DETENTION  
FACILITY, *et al.*,

Defendants.

Case No. 3:20-cv-0188-RCJ-WGC

**ORDER**

Plaintiff has filed an updated address with this Court that is at a location other than a facility operated by the Nevada Department of Corrections (NDOC). According to the NDOC inmate database, Plaintiff is no longer a prisoner in the custody of the NDOC.

Previously, the Court denied Plaintiff's application to proceed *in forma pauperis* for prisoners because Plaintiff had failed to attach a financial certificate and inmate account statement to his application. ECF No. 5. The Court ordered Plaintiff to either (1) file a fully complete application to proceed *in forma pauperis* using the correct form with complete financial attachments, or (2) pay the full \$400 fee for filing a civil action. *Id.* Plaintiff partially complied by filing only the financial documents but did not comply with the Court's order to also submit a completed application to proceed *in forma pauperis*. ECF No. 12. Even if Plaintiff had submitted a complete prisoner application, the Court would be required to deny that application as moot, as Plaintiff is no longer a prisoner.

The Court will provide Plaintiff a final opportunity to either (1) file a fully complete application to proceed *in forma pauperis* or (2) pay the full filing fee of \$400. However, as

1 the Plaintiff is no longer incarcerated, he must file an application for a non-prisoner to  
2 proceed *in forma pauperis* within 30 days.

3 The Court will continue to retain Plaintiff's civil rights complaint (ECF No. 1-1) but  
4 will not file it until the matter of the payment of the filing fee is resolved.

5 Therefore,

6 THE COURT **ORDERS** that the Clerk of the Court SEND Plaintiff the approved  
7 form application to proceed *in forma pauperis* by a non-prisoner, as well as the document  
8 entitled information and instructions for filing an *in forma pauperis* application.

9 THE COURT FURTHER **ORDERS** that within **30 days** from the date of this order,  
10 Plaintiff will either: (1) file a fully complete application to proceed *in forma pauperis* for  
11 non-prisoners on the correct form with complete financial attachments in compliance with  
12 28 U.S.C. § 1915(a); or (2) pay the full filing fee of \$400 for filing a civil action (which  
13 includes the \$350 filing fee and the \$50 administrative fee).

14 IT IS FURTHER ORDERED that this case will be closed if Plaintiff fails to timely  
15 comply with this order.

16 DATED THIS 22nd day of February 2021.

17 William G. Cobb  
18 United States Magistrate Judge  
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